

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

EMPLOYEE PAINTERS' TRUST,

Case No. 2:19-cv-00912-GMN-EJY

Plaintiff,

ORDER

v.

BRANDON S. CLIFTON, an individual; and
KIMBERLY A. COMINSKY, an individual;

Defendants.

Pending before the Court is Employee Painters' Trust's Motion for Order to Show Cause. ECF No. 53. In its Motion, Painters' Trust provides an accurate timeline of events that includes the Court's Order entering Judgment against Defendant Brandon Clifton on January 31, 2020 (ECF No. 15); the Order requiring Mr. Clifton to appear for a Judgment Debtor Exam on March 15, 2021 and produce records by March 5, 2021 (ECF No. 45); and, that to date, Mr. Clifton has produced no documents and made no contact with the Painters' Trust to appear for the examination ordered. ECF No. 53 at 2.

"The district court retains jurisdiction to enforce its judgments." *City of Las Vegas, Nev. v. Clark County, Nev.*, 755 F.2d 697, 701 (9th Cir. 1985) (citing *Wood v. Santa Barbara Chamber of Commerce, Inc.*, 705 F.2d 1515, 1524 (9th Cir. 1983)). "A district court has the power to adjudge in civil contempt any person who willfully disobeys a specific and definite order of the court." *Gifford v. Heckler*, 741 F.2d 263, 265 (9th Cir. 1984) (citing *Shuffler v. Heritage Bank*, 720 F.2d 1141, 1146 (9th Cir. 1983)). "A person fails to act as ordered by a court when 'he fails to take all the reasonable steps within his power to ensure compliance with the court's order.'" *Id.* at 265-66 (quoting *Shuffler*, 720 F.2d at 1146-47). The Court also enjoys broad discretion when deciding whether a party has defied its orders and should be held in contempt. *Id.* at 266 (citing *Neebars, Inc. v. Long Bar Grinding, Inc.*, 438 F.2d 47, 48 (9th Cir. 1971)). Here, there is no dispute that Brandon Clifton has not obeyed Orders of the Court despite being served with such Orders and having ample opportunity to do so.

1 Accordingly, IT IS HEREBY ORDERED that Employee Painters' Trust's Motion for Order
2 to Show Cause (ECF No. 53) is GRANTED.

3 IT IS FURTHER ORDERED that Defendant Brandon Clifton shall respond **in writing, no**
4 **later than November 30, 2021**, why the Court should not find him in contempt and award Employee
5 Painters' Trust its reasonable attorney's fees and costs for bringing the Motion for Order to Show
6 Cause.

7 IT IS FURTHER ORDERED that Employee Painters' Trust **shall** serve a copy of this Order
8 on Defendant Brandon Clifton through placing a copy of this Order **in regular U.S. Mail and**
9 **sending the same by certified mail** to Mr. Clifton at the following address where he was served
10 with the Court's March 5, 2021 Order: 3890 Graphic Center Dr., #2034, Las Vegas, Nevada 89118.

11 IT IS FURTHER ORDERED that Brandon Clifton's failure to comply with the contents of
12 this Order to Show Cause **shall** result in a finding of contempt, an award of the Employee Painters'
13 Trust's reasonable attorney's fees and costs for bringing its Motion for Order Show Cause, and the
14 imposition of additional sanctions as the Court may deem appropriate.

15 Dated this 2nd day of November, 2021.

16
17 
18 ELAYNA J. YOUCHAH
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25
26
27
28